

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE FARM FIRE AND CASUALTY,

Plaintiff,

vs.

HELEN OF TROY LIMITED, ET AL,

Defendants.

USDC Case No. 2:15-cv-01771-RSM

COMBINED JOINT STATUS REPORT
AND DISCOVERY PLAN

Plaintiff, State Farm Fire and Casualty and defendants Helen of Troy, et al, file this Joint Status Report regarding Scheduling Conference and Joint Discovery Plan, pursuant to the Court's Order of March 18, 2016 and FRCP 26(f).

I. INTRODUCTION

Attorneys for plaintiff and defendant met, via telephone, on April 4, 2016 to confer on the matters outlined in Rule 26(f). The conference was held as soon as practical and the parties will file this pleading with the Court by the required filing date of April 29, 2016.

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II. JOINT STATUS REPORT AND DISCOVERY PLAN

1. A statement of the nature and complexity of the case: This is a subrogation claim. The plaintiff's insured is Ms. Robinson. Ms. Robinson purchased a heating pad alleged to have been manufactured by the defendants. It is alleged that the heating pad caused a fire. Plaintiff paid Ms. Robinson for the damages caused by the fire and due under the insurance policy between Ms. Robinson and the plaintiff. Plaintiff alleges that the defendants are liable pursuant to the Washington State Product Liability Act, RCW 7.72 *et. seq.*

No party believes this case is particularly complex.

2. A proposed deadline for the joining of additional parties: July 1, 2016.

3. Consent to assignment of this case to a full time United States Magistrate Judge: No.

4. Discovery plan:

A. Initial disclosures: The Court's scheduling order required initial disclosures on April 22, 2016. The plaintiff and defendants agreed to continue that due date until April 29, 2016. Plaintiff made its disclosure on that date and has agreed with the defendants making their initial disclosures on May 2, 2016.

B. Subjects, timing and potential phasing of discovery: There is the potential for phasing based on the availability of fact witnesses for their depositions prior to the experts. However, whether such phasing can be done is unknown at this time.

C. Electronically stored information: There are no known issues regarding ESI.

1 D. Privilege issues: Defendants may request a protective order regarding proprietary
2 information and trade secrets relating to the subject heating pad. Plaintiff has no objection to this
3 providing it is appropriately limited to time and scope.

4 E. Proposed limitation on discovery: None at this time, other than those provided by the
5 local civil rules.

6 F. The need for any discovery related orders: None anticipated at this time.

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8 5. The parties' views, proposals and agreements:

9 A. Prompt case resolution: Both parties are amenable to attempting to reach prompt
10 case resolution and suggest ADR occur per the timing in §5(B)

11 B. Alternative dispute resolution: Parties propose ADR takes place after expert
12 disclosures and before expert depositions.

13 C. Related cases: None.

14 D. Discovery management: Fact witnesses' depositions are intended to be taken prior
15 to expert witnesses depositions.

16 E. Anticipated discovery sought: Anticipated discovery from plaintiffs is the design and
17 manufacture of the subject heating pad. Anticipated discovery from the defendants is liability and
18 damages.

19 F. Phasing of motions: None anticipated.

20 G. Preservation of discoverable information. No known issues at this time.

21 H. Privilege issues: No known issues at this time.

22 I. Model Protocol for Discovery of ESI. At this time, the parties do not anticipate a
23 need or use for the Model Protocol.

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J. Alternatives to Model Protocol: None.

6. ..The date by which discovery can be completed: January 31, 2017.

7... Whether the case should be bifurcated by trying the liability issues before the damages Issues, or bifurcated in any other way: The plaintiff does not favor bifurcation as it sees no need or economy of the same.

8. Whether the pretrial statements and pretrial order called for by Local Civil Rules 16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part for the sake of economy: Plaintiff is in favor of dispensing with such requirements.

9. Any other suggestions for shortening or simplifying the case: None.

10. The date the case will be ready for trial: May 1, 2017, although counsel for defendants has another trial set for that date.

11. Whether the trial will be jury or non-jury: Jury is demanded.

12. The number of trial days required: 10 days (including Motions in Limine and seating of jury).

13. The names, addresses and telephone numbers of all trial counsel.

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14. The dates on which the trial counsel may have complications to be considered in setting a trial date: Defendants' attorney has a trial set for 5/1/17 and it will go at least one month.

1 15. Have all defendants been served: This has not yet been determined at this time.
2 Counsel are resolving this issue as well as determining if some defendants can be dismissed and
3 whether the parties involved in the manufacturing of the heating pad can be agreed upon.

4 16. Whether any party wishes a scheduling conference before the Court enters a scheduling
5 order in the case: No.

6 17. List the dates that each and every non-governmental corporate party filed its disclosure
7 statement pursuant to Fed.R.Civ. P. 7.1 and Local Rule 7.1: Plaintiff filed its disclosure statement
8 on November 17, 2015. Defendants filed their disclosure statements on November 20, 2015.

9 DATED this 29th day of April, 2016.
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CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2016, I caused to be filed electronically the foregoing document with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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There are no attorneys who are on the manual notice list.

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